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COVERALL NORTH AMERICA, INC.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**COVERALL NORTH AMERICA,  
INC.,**

Plaintiff,

v.

**ACI CLEAN CONCEPTS, INC.,  
PETRA HERNANDEZ, and  
OMAR HERNANDEZ,**

Defendants.

**ACI CLEAN CONCEPTS, INC.,  
PETRA HERNANDEZ, and  
OMAR HERNANDEZ,**

Counterclaimant,

v.

**COVERALL NORTH AMERICA,  
INC.,**

Counterdefendant.

Case No. CV 08-04086-PSG (FMOx)

**CONSENT JUDGMENT**

1           The parties having (i) entered into a settlement agreement resolving this  
2 dispute and (ii) jointly moved for entry of this Consent Judgment terminating this  
3 proceeding, and for good cause shown, it is hereby ORDERED, ADJUDGED,  
4 AND DECREED that:

5           1.     This Court has jurisdiction over the subject matter of this action  
6 under § 39 of the Trademark Act, 15 U.S.C. § 1121, and under 28 U.S.C. §§ 1331,  
7 1332, 1338 and 1367.

8           2.     Plaintiff Coverall North America, Inc. is a corporation organized  
9 and existing under the laws of the State of Delaware with a business address at  
10 5201 Congress Avenue, Boca Raton, Florida 33487.

11           3.     Defendants Petra Hernandez and Omar Hernandez are  
12 individuals residing within the State of California.

13           4.     Defendant ACI Clean Concepts, Inc. is a corporation organized  
14 and existing under the laws of the State of California with a business address at  
15 1121 Tama Lane, Santa Maria, California 93455.

16           5.     Plaintiff is the owner of all right, title, and interest in and to the  
17 trademarks or service marks CLEANING CONCEPTS and COVERALL  
18 CLEANING CONCEPTS for cleaning, janitorial, and franchising services.

19           6.     Defendants have used CONCEPT or CONCEPTS as a portion  
20 of trade names, trademarks or service marks in connection with cleaning and  
21 janitorial services.

22           7.     Pursuant to 15 U.S.C. § 1167, the laws of the State of California,  
23 the common law, and the parties' settlement agreement, the Defendants and each of  
24 their officers, agents, servants, employees, and all others acting on Defendants'  
25 behalf or in concert or privity with the Defendants, are permanently enjoined from  
26 using, seek to register, registering, or authorizing others to use, seek to register, or  
27 register any name or mark that includes the word "CONCEPT(S)". The Defendants  
28

1 and all others noted above shall have nine (9) months of the effective date of the  
2 parties' settlement agreement to discontinue all use of the word CONCEPT or  
3 CONCEPTS alone or in combination with other words or phrases as a company  
4 name, trademark, service mark or trade name in connection with the advertising,  
5 sale or offer of any goods or services.

6 8. Within nine (9) months of the effective date of the parties'  
7 settlement agreement, the Defendants shall modify or destroy any and all materials  
8 in their possession or control that include or display any name or mark  
9 incorporating the word CONCEPT or CONCEPTS, including without limitation  
10 any and all signs, uniforms, business forms, promotional or informational literature,  
11 and cards, stationery, Internet content, and advertisements.

12 9. Each party shall bear the costs and attorneys' fees it has incurred  
13 in connection with this matter without recourse to any other party.

14 10. The Court hereby retains jurisdiction over this matter for  
15 purposes of enforcing the settlement agreement between the parties and this  
16 Consent Judgment.

17  
18 **IT IS SO ORDERED.**

19  
20 05/18/09

21 **Dated**

**PHILIP S. GUTIERREZ**

**UNITED STATES DISTRICT JUDGE**